

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER LEES,
Plaintiff,

v.

K. HOGELAND,
Defendant.

Case No. [19-cv-01603-HSG](#)

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE
SECOND AMENDED COMPLAINT**

Re: Dkt. No. 20

Plaintiff, an inmate at Pelican Bay State Prison, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On July 24, 2019, the Court found that the amended complaint stated a cognizable claim against Defendant Hogeland for use of excessive force in violation of the Eighth Amendment but dismissed with leave to amend the allegation that Defendants were deliberately indifferent to Plaintiff's serious medical needs in violation of the Eighth Amendment. ECF No. 16. The Court ordered service on Defendant Hogeland and granted Plaintiff until August 21, 2019, to file a second amended complaint if he wished to amend his Eighth Amendment claim. *Id.* On August 5, 2019, Plaintiff requested an extension of time, though he does not specify what deadline he seeks to extend. Dkt. No. 20. Presuming that Plaintiff seeks an extension of time to file a second amended complaint, the Court finds that Plaintiff has shown good cause for an extension of time and GRANTS the request.


If Plaintiff wishes to file a second amended complaint, he must do so by September 20, 2019. Failure to file a second amended complaint in accordance with this order in the time provided will result in the amended complaint remaining the operative complaint; this action proceeding solely on the excessive force claim already found cognizable; and defendants Singson, Mariscal and Ponce being dismissed from this action. Plaintiff is reminded that

1 because an amended complaint completely replaces the previous complaints, Plaintiff must
2 include in his second amended complaint all the claims he wishes to present, including the
3 excessive force claim which the Court has already found cognizable, and all the defendants he
4 wishes to sue. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may not
5 incorporate material from the prior complaint by reference. Plaintiff may not change the nature of
6 this suit by alleging new, unrelated claims in the amended complaint. The Clerk shall include two
7 copies of a blank complaint form with a copy of this order to Plaintiff.

8 This order terminates Dkt. No. 20.

9 **IT IS SO ORDERED.**

10 Dated: 8/8/2019

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12 HAYWOOD S. GILLIAM, JR.
13 United States District Judge
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